

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK FADLEVICH

Case No.: 1:19-cv-04227-AMD-MMH

Plaintiff,

-against-

JD 34TH STREET REALTY LLC,
GUTMAN, MINTZ, BAKER & SONNENFELDT, LLP,
and
ERIC KEILBACH,

Defendants.

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STIPULATION OF USE DEPOSITIONS FROM *CRESPO* LAWSUIT

The Parties enter into this following Stipulation to attempt to minimize the accrual of attorney's fees and case expenses in the case at bar. Counsels for Plaintiff in the instant action are one of the law firms representing the plaintiff in *Crespo v. Gutman, Mintz, Baker & Sonnenfeldt, LLP et al.*, Case No. 1:22-cv-06599-JPO (SD NY) ("Crespo").

Plaintiff in the instant action is taking depositions in the instant case that has already been taken in *Crespo*. Therefore, the Parties stipulate to the following:

1. The depositions of Gary Thigpen and Eric Keilbach (both his capacity as a Fed.R.Civ.P. 30(b)(1) witness and as the Fed.R.Civ.P. 30(b)(6) capacity for Gutman, Mintz, Baker & Sonnenfeldt, LLP) (collectively the "Witnesses") taken in *Crespo* may be used in the instant action as if taken in the instant action;
2. The Parties retain the objections made in the *Crespo* deposition, including as to relevance, which were preserved by stipulation agreed to at the *Crespo* deposition. The Parties also retain the right to object as to relevancy related to specific sections of the

Crespo deposition transcript that relate solely to Mr. Crespo.

3. Defendants Gutman, Mintz, Baker & Sonnenfeldt, LLP and Eric Keilbach (collectively the “Gutman Defendants”) stipulate that, if plaintiff believes in good faith that a subsequent errata sheet by the Witnesses raise issue that plaintiff believes in good faith he should have a right to explore, the Gutman Defendants consents to a subsequent deposition of the Witnesses in the instant action.
4. This Stipulation does not alter the line of questioning Plaintiff may ask in the instant case (even if opposing counsel believes some of the questions may have actually already have been answered), and does not limit the 7 hours of deposition time per witness Plaintiff is entitled to in the instant action under the Fed.R.Civ.P.

AGREED:

Defendants Gutman, Mintz, Baker & Sonnenfeldt, LLP and Eric Keilbach

By: /s/ Ken Novikoff Date: April 20, 2023
Rivkin Radler LLP

AGREED:

Defendant JD 34th Street Realty LLC

By: /s/ Arthur G. Jakoby Date: April 20, 2023
Herrick, Feinstein LLP

AGREED:

Plaintiff Mark Fadlevich

/s/

April 20, 2023

By: _____ Date: _____

Ahmad Keshavarz

The Law Office of Ahmad Keshavarz

SO ORDERED this 21 **day of** April, **2023.**

Marcia M. Henry

Magistrate Judge Marcia M. Henry